

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SHANE DARDEN	:	CIVIL ACTION
	:	
v.	:	
	:	
CITY OF PHILADELPHIA, et al.	:	NO. 08-cv-02785-JF

MEMORANDUM AND ORDER

Fullam, Sr. J.

November 20, 2008

Plaintiff, a Caucasian police officer, is suing the defendants for alleged racial discrimination. The complaint is an example of total disregard of the pleading requirements of Fed. R. Civ. P. 8, consisting of lengthy and detailed accounts of the mistreatment allegedly sustained by plaintiff. Now before the Court is a motion by one of the defendants, the Guardian Civic League, to dismiss the complaint.

According to the complaint, the Guardian Civic League is an organization or association formed for the purpose of advocating for the interests of African-American police officers, in relation to their employment by the City of Philadelphia. Plaintiff apparently believes that the persons responsible for his alleged mistreatment in disciplinary proceedings tilted in favor of his African-American antagonist because of the influence of the Guardian Civic League. But the complaint contains no allegations that the Guardian Civic League actually played any part in any of the decisions he complains of. Mere advocacy is not a violation of plaintiff's rights. The Guardian Civic League

is not a state actor, and, obviously, has a First Amendment right to express its views. The motion to dismiss will be granted.

An Order follows.

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ORDER

AND NOW, this 20th day of November 2008, IT IS ORDERED:

That the motion of the defendant Guardian Civic League to dismiss plaintiff's complaint is GRANTED. As to the Guardian Civic League, plaintiff's complaint is DISMISSED, with leave to file an amended complaint within 20 days if warranted by the facts.

BY THE COURT:

/s/ John P. Fullam
John P. Fullam, Sr. J.